

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:18-CV-158-D

ROBERT PETERSON and  
HAD TO HAVE IT, LLC,

Plaintiffs,

v.

HATTERAS/CABO YACHTS, LLC,

Defendant.

**ORDER**

On September 12, 2018, Robert Peterson ("Peterson") and Had to Have It, LLC ("HTHI", collectively "plaintiffs") filed a complaint against Hatteras/Cabo Yachts, LLC ("Hatteras" or "defendant") [D.E. 1]. On October 10, 2018, Hatteras moved to dismiss counts two, three, and four for failure to state a claim upon which relief can be granted [D.E. 13] and filed a memorandum in support [D.E. 14]. On November 21, 2018, plaintiffs responded in opposition and voluntarily dismissed counts two and three [D.E. 25]. On December 5, 2018, Hatteras replied [D.E. 26]. On December 14, 2018, plaintiffs moved for leave to file a surreply [D.E. 27].

The court GRANTS plaintiffs' motion for leave to file a surreply [D.E. 27], and the court DENIES Hatteras's motion to dismiss count four [D.E. 13]. Whether count four will survive a motion for summary judgment is an issue for another day.

SO ORDERED. This 17 day of January 2019.

James C. Dever  
JAMES C. DEVER III  
United States District Judge